



STATE OF RHODE ISLAND
SUPERIOR COURT
SUMMONS

	Civil Action File Number KC-2022-0144
Plaintiff Nancy Sclama v. BJ's Wholesale Club, Inc. Defendant	Attorney for the Plaintiff or the Plaintiff <i>Stephen J. Brownell, Esq. / Theresa L. Soutter, Esq.</i> Address of the Plaintiff's Attorney or the Plaintiff <i>56 Pine St. Suite #150</i> <i>Providence, RI</i> <i>02903</i>
Noel Judicial Complex Kent County 222 Quaker Lane Warwick RI 02886 (401) 822-6900	Address of the Defendant 25 Research Drive Westborough MA, 01581

TO THE DEFENDANT, BJ's Wholesale Club, Inc.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 2/28/2022.

/s/ Danielle Keegan
 Clerk

Witness the seal/watermark of the Superior Court

ATRUE COPY ATTEST
 Kyle R. Norigian - Constable #6137

DATE: 3/1

**STATE OF RHODE ISLAND****SUPERIOR COURT****Plaintiff**

Nancy Sclama

v.

BJ's Wholesale Club, Inc.

Defendant**Civil Action File Number**

KC-2022-0144

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, BJ's Wholesale Club, Inc., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. _____

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____

**STATE OF RHODE ISLAND****SUPERIOR COURT**

Upon a private corporation, domestic or foreign:

☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below.

☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary

or ☐ proved to the notary through satisfactory evidence of identification, which was

_____ to be the person who signed above in my presence,

and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

STATE OF RHODE ISLAND
KENT, SC.

SUPERIOR COURT

NANCY SCLAMA,
Plaintiff,

vs.

BJ'S WHOLESALE CLUB, INC.
Defendant.

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:

C.A. No. KC-2022-

COMPLAINT

Parties

1. Plaintiff, Nancy Sclama ("Plaintiff"), is a resident of Naples, Florida.
2. Defendant, BJ's Wholesale Club, Inc. ("Defendant"), is a Delaware corporation with a principal place of business located at 25 Research Drive, Westborough, Massachusetts.

Jurisdiction

3. The amount in controversy is sufficient to establish this Court's subject matter jurisdiction over this action.
4. Defendant has sufficient minimum contacts with the State of Rhode Island to confer this Court's personal jurisdiction over it.

Venue

5. Kent County is the appropriate venue for this action.

Relevant Facts

6. At all relevant times, Defendant has owned and operated a retail store at 790 Centre of New England Boulevard, Coventry, Rhode Island (the "Premises").
7. On or about August 21, 2020, Plaintiff was shopping at Defendant's store at the Premises.

8. On August 21, 2020, Defendant had a display for a television that jutted out into the aisle where patrons walked and blended in with the floor making it difficult to see.

9. Plaintiff tripped and fell over the display.

10. Plaintiff has sustained severe and permanent injuries as a result of the fall.

COUNT I
Negligence – Premises Liability

11. The prior paragraphs are incorporated herein by reference as if set forth in their entirety.

12. At all relevant times, Plaintiff was lawfully on the Premises at the invitation of Defendant such that she was an invitee.

13. At all relevant times, Defendant owed Plaintiff a legal duty to exercise reasonable care in keeping the Premises reasonably safe and free from unreasonably dangerous conditions or defects that might cause injury to Plaintiff as an invitee and patron.

14. Defendant breached its duty of care to Plaintiff by (i) allowing an unreasonably dangerous condition to exist on the Premises, (ii) failing to warn Plaintiff of the unreasonably dangerous condition, (iii) failing to reasonably safeguard and protect Plaintiff from the unreasonably dangerous condition, and (iv) otherwise failing to exercise due care under the circumstances.

15. At all relevant times, Plaintiff exercised due care under the circumstances.

16. As a proximate result of Defendant's negligence, Plaintiff has suffered and will continue to suffer substantial losses and damages.

COUNT II
Loss of Homemaker Services
Pursuant to R.I. Gen. Laws § 9-1-47

17. The prior paragraphs are incorporated herein by reference as if set forth in their entirety.

18. Prior to the fall on August 21, 2020, Plaintiff was primarily responsible for homemaker services to her home and performed those services without monetary compensation.

19. As a proximate result of Defendant's unlawful conduct, Plaintiff was caused to suffer loss of homemaker services pursuant to R.I. Gen. Laws § 9-1-47.

WHEREFORE, Plaintiff demands judgment against Defendant for:

- (i) monetary damages;
- (ii) reasonable attorneys' fees;
- (iii) interest and costs; and
- (iv) any other relief this Court deems just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY AS TO ALL ISSUES SO TRIABLE.

PLAINTIFF,
Nancy Sclama,
By her Attorneys,

/s/ Theresa L. Sousa
Stephen J. Brouillard, Esq. # 6284
Theresa L. Sousa, Esq. #7745
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